

Notice of Allowability

Application No.

10/708,726

Applicant(s)

OVERBY, TERRY A.

Examiner

Jaime M. Holliday

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2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/14/06.
2. ☒ The allowed claim(s) is/are 7, 8 and 10-29.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Response to Amendment

Response to Arguments

1. Applicant's arguments filed April 14, 2006, with respect to **claims 1-34** have been fully considered and are persuasive. The 35 USC § 103(a) rejections have been withdrawn.

Allowable Subject Matter

2. **Claims 7, 8 and 10-29** are allowed and they are renumbered as follows 1, 2 and 3-22, respectively.

3. The following is an examiner's statement of reasons for allowance:

Consider **claim 7**, the best prior art found during the examination of the present application, the combination of Moles et al. (Pub # U.S. 2003/0162533 A1) and Carroll (U.S. Patent # 6,487,403 B2) in view of Tordera (U.S. Patent # 6,889,058 B2), and in further view of Lipsit (U.S. Patent # 5,974,311), fail to specifically show, disclose, or suggest the claimed process for generating a build request.

Moles et al. clearly show and disclose a service provisioning system for use in a wireless network comprising a provisioning controller **305** that operates under the control of provisioning server application program **315** to provide provisioning services for wireless network **100**, and creates MS **112** service provisioning file **330**, reading on the claimed "build request;" in response to a provisioning request for the mobile station

(MS). The service provisioning file comprises provisioning data used to configure the first mobile station to communicate with the wireless network. The service provisioning system further comprises a database capable of storing the service provisioning file, which further comprises a mobile station service provisioning program. The provisioning controller is further capable of retrieving the service provisioning file from the database and transmitting the service provisioning file to the first mobile station. Memory **460**, in the mobile station, also stores downloaded service provisioning (prov.) file **470** and mobile station configuration data file **475**, reading on the claimed "automated method of provisioning radiotelephone handset units, comprising: generating a build request comprising a radiotelephone handset specification and provisioning and instruction data for the specified handset; storing the build request in a memory storage medium in communication with a computerized provisioning system; retrieving data from the build request; and, automatically transferring the provisioning data to memory storage of the connected handset in accordance with the instruction data," (abstract, figure 3, 4 and 5, paragraphs 19, 20, 57 and 67).

Carroll clearly shows and discloses a system and method that efficiently and securely perform provisioning of cellular telephones and other wireless communication devices. System processing for provisioning a wireless device according to the present invention is carried out by a program executed by the computer **516**, but requires human intervention at some points; the WUPD **306** (Wireless Universal Provisioning Device) prompts a sales agent or operator to enter the type of device being provisioned. The sales agent/operator targets the cellular telephone **308** to be activated. This can be

done by aiming the antenna of the transceiver **514** to the cellular telephone, or by using a clip-on antenna to physically connect the WUPD's transceiver antenna to the cellular telephone's antenna, reading on the claimed "connecting the provisioning system to a handset in accordance with the build request specification," (figure 5 and 6, column 3 lines 62-64, column 6 line 53- column 7 line 4). After the WUPD transfers the necessary provisioning information to the target telephone using the telephone's air interface protocol, both the target cellular telephone and the WUPD indicate on their respective displays that the provisioning operation is complete after sending notification signals to each other, reading on the claimed "disconnecting the provisioned handset from the provisioning system," (figure 6, column 7 lines 28-30 and 44-48).

Tordera clearly shows and discloses a system **10**, that includes a communication interface device **12** engageable with a user terminal **14** potentially having access to a computer program product **15** for establishing wireless communication between the terminal **14** and a base station **16** of a wireless network **18**, reading on the claimed "provisioning radiotelephone handsets," (fig. 5, col. 3 lines 10-15). Interface device can include a first computer communication interface component, such as a PCMCIA card **20**, which defines a first interface format. Also, the device includes a second computer communication interface component such as a universal serial bus (USB) connector **22**, which defines a second interface format, reading on the claimed "computerized system having a universal connector," (fig. 1, col. 3 lines 28-35). The USB "A" plug **24** can be engaged with a USB receptacle of the user terminal to establish wireless communication between the user terminal and the base station using the second

interface format, reading on the claimed "connecting the universal connector of the provisioning system to a handset," (col. 4 lines 5-8).

Lipsit clearly shows and discloses a method and apparatus for programming a cellular telephone with activation parameters, reading on the claimed "build request," in which the cellular telephone to be programmed is connected to a computer via a communications interface. The computer determines the activation parameters based on the inputted programming information, and transmits the activation parameters to the telephone for storage in the cellular telephone memory. The user inputted programming information may include the cellular telephone type reading on the claimed "build request generation comprises selecting a handset manufacturer's model number," (abstract, column 2 lines 49-51 and 56-60).

The combination of Moles and Carroll, in view of Tordera, and in further view of Lipsit, however, lacks the claimed steps of entering a production build request number; entering a quantity of phones to provision; selecting a carrier type; selecting a customer; entering a starting part number; entering a final part number; selecting a handset manufacturer; selecting a handset technology; and selecting a handset manufacturer's model number, therefore these limitations, in conjunction with the other limitations recited in claim 7, are novel and unobvious in view of the combination of Moles, Carroll, Tordera and Lipsit.

Consider **claim 12**, the best prior art found during the examination of the present application, the combination of Moles et al. (Pub # U.S. 2003/0162533 A1) and Carroll (U.S. Patent # 6,487,403 B2) in view of Tordera (U.S. Patent # 6,889,058 B2), and in

further view of Lipsit (U.S. Patent # 5,974,311), fail to specifically show, disclose, or suggest the claimed process for data retrieval.

Moles et al. clearly show and disclose a service provisioning system for use in a wireless network comprising a provisioning controller **305** that operates under the control of provisioning server application program **315** to provide provisioning services for wireless network **100**, and creates MS **112** service provisioning file **330**, reading on the claimed "build request," in response to a provisioning request for the mobile station (MS). The service provisioning file comprises provisioning data used to configure the first mobile station to communicate with the wireless network. The service provisioning system further comprises a database capable of storing the service provisioning file, which further comprises a mobile station service provisioning program. The provisioning controller is further capable of retrieving the service provisioning file from the database and transmitting the service provisioning file to the first mobile station. Memory **460**, in the mobile station, also stores downloaded service provisioning (prov.) file **470** and mobile station configuration data file **475**, reading on the claimed "automated method of provisioning radiotelephone handset units, comprising: generating a build request comprising a radiotelephone handset specification and provisioning and instruction data for the specified handset; storing the build request in a memory storage medium in communication with a computerized provisioning system; retrieving data from the build request; and, automatically transferring the provisioning data to memory storage of the connected handset in accordance with the instruction data," (abstract, figure 3, 4 and 5, paragraphs 19, 20, 57 and 67).

Carroll clearly shows and discloses a system and method that efficiently and securely perform provisioning of cellular telephones and other wireless communication devices. System processing for provisioning a wireless device according to the present invention is carried out by a program executed by the computer **516**, but requires human intervention at some points; the WUPD **306** (Wireless Universal Provisioning Device) prompts a sales agent or operator to enter the type of device being provisioned. The sales agent/operator targets the cellular telephone **308** to be activated. This can be done by aiming the antenna of the transceiver **514** to the cellular telephone, or by using a clip-on antenna to physically connect the WUPD's transceiver antenna to the cellular telephone's antenna, reading on the claimed "connecting the provisioning system to a handset in accordance with the build request specification," (figure 5 and 6, column 3 lines 62-64, column 6 line 53- column 7 line 4). After the WUPD transfers the necessary provisioning information to the target telephone using the telephone's air interface protocol, both the target cellular telephone and the WUPD indicate on their respective displays that the provisioning operation is complete after sending notification signals to each other, reading on the claimed "disconnecting the provisioned handset from the provisioning system," (figure 6, column 7 lines 28-30 and 44-48).

Tordera clearly shows and discloses a system **10**, that includes a communication interface device **12** engageable with a user terminal **14** potentially having access to a computer program product **15** for establishing wireless communication between the terminal **14** and a base station **16** of a wireless network **18**, reading on the claimed "provisioning radiotelephone handsets," (fig. 5, col. 3 lines 10-15). Interface device can

include a first computer communication interface component, such as a PCMCIA card **20**, which defines a first interface format. Also, the device includes a second computer communication interface component such as a universal serial bus (USB) connector **22**, which defines a second interface format, reading on the claimed "computerized system having a universal connector," (fig. 1, col. 3 lines 28-35). The USB "A" plug **24** can be engaged with a USB receptacle of the user terminal to establish wireless communication between the user terminal and the base station using the second interface format, reading on the claimed "connecting the universal connector of the provisioning system to a handset," (col. 4 lines 5-8).

Lipsit clearly shows and discloses a method and apparatus for programming a cellular telephone with activation parameters, reading on the claimed "build request," in which the cellular telephone to be programmed is connected to a computer via a communications interface. The computer determines the activation parameters based on the inputted programming information, and transmits the activation parameters to the telephone for storage in the cellular telephone memory. The user enters a cellular telephone type in the area **404** of the user interface **400**. A picture of the telephone selected by the user is displayed in area **408** of the user interface. When the user selects a telephone type the appropriate graphics file is accessed, reading on the claimed "data retrieval comprises displaying an image of the handset model," (abstract, figures 3A and 4, column 2 lines 56-60 and column 5 lines 40-65).

The combination of Moles and Carroll, in view of Tordera, and in further view of Lipsit, however, lacks the claimed steps of selecting a production build request number;

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displaying the final part number; displaying the handset manufacturer; displaying the handset manufacturer's model number; displaying an image of the handset model; and displaying the customer name, therefore these limitations, in conjunction with the other limitations recited in claim 12, are novel and unobvious in view of the combination of Moles, Carroll, Tordera and Lipsit.

Consider **claim 13**, the best prior art found during the examination of the present application, the combination of Moles et al. (Pub # U.S. 2003/0162533 A1) and Carroll (U.S. Patent # 6,487,403 B2) in view of Tordera (U.S. Patent # 6,889,058 B2), fail to specifically show, disclose, or suggest the claimed limitation of the build request generation and storage is performed by one person and data retrieval by another.

Moles et al. clearly show and disclose a service provisioning system for use in a wireless network comprising a provisioning controller **305** that operates under the control of provisioning server application program **315** to provide provisioning services for wireless network **100**, and creates MS **112** service provisioning file **330**, reading on the claimed "build request," in response to a provisioning request for the mobile station (MS). The service provisioning file comprises provisioning data used to configure the first mobile station to communicate with the wireless network. The service provisioning system further comprises a database capable of storing the service provisioning file, which further comprises a mobile station service provisioning program. The provisioning controller is further capable of retrieving the service provisioning file from the database and transmitting the service provisioning file to the first mobile station. Memory **460**, in the mobile station, also stores downloaded service provisioning (prov.)

file **470** and mobile station configuration data file **475**, reading on the claimed “automated method of provisioning radiotelephone handset units, comprising: generating a build request comprising a radiotelephone handset specification and provisioning and instruction data for the specified handset; storing the build request in a memory storage medium in communication with a computerized provisioning system; retrieving data from the build request; and, automatically transferring the provisioning data to memory storage of the connected handset in accordance with the instruction data,” (abstract, figure 3, 4 and 5, paragraphs 19, 20, 57 and 67).

Carroll clearly shows and discloses a system and method that efficiently and securely perform provisioning of cellular telephones and other wireless communication devices. System processing for provisioning a wireless device according to the present invention is carried out by a program executed by the computer **516**, but requires human intervention at some points; the WUPD **306** (Wireless Universal Provisioning Device) prompts a sales agent or operator to enter the type of device being provisioned. The sales agent/operator targets the cellular telephone **308** to be activated. This can be done by aiming the antenna of the transceiver **514** to the cellular telephone, or by using a clip-on antenna to physically connect the WUPD's transceiver antenna to the cellular telephone's antenna, reading on the claimed “connecting the provisioning system to a handset in accordance with the build request specification,” (figure 5 and 6, column 3 lines 62-64, column 6 line 53- column 7 line 4). After the WUPD transfers the necessary provisioning information to the target telephone using the telephone's air interface protocol, both the target cellular telephone and the WUPD indicate on their

respective displays that the provisioning operation is complete after sending notification signals to each other, reading on the claimed "disconnecting the provisioned handset from the provisioning system," (figure 6, column 7 lines 28-30 and 44-48).

Tordera clearly shows and discloses a system **10**, that includes a communication interface device **12** engageable with a user terminal **14** potentially having access to a computer program product **15** for establishing wireless communication between the terminal **14** and a base station **16** of a wireless network **18**, reading on the claimed "provisioning radiotelephone handsets," (fig. 5, col. 3 lines 10-15). Interface device can include a first computer communication interface component, such as a PCMCIA card **20**, which defines a first interface format. Also, the device includes a second computer communication interface component such as a universal serial bus (USB) connector **22**, which defines a second interface format, reading on the claimed "computerized system having a universal connector," (fig. 1, col. 3 lines 28-35). The USB "A" plug **24** can be engaged with a USB receptacle of the user terminal to establish wireless communication between the user terminal and the base station using the second interface format, reading on the claimed "connecting the universal connector of the provisioning system to a handset," (col. 4 lines 5-8).

The combination of Moles and Carroll, in view of Tordera, however, lacks the claimed features of build request generation and storage being performed by a first person, and data retrieval and handset connection being performed by the second person, therefore this limitation, in conjunction with the other limitations recited in claim 13, are novel and unobvious in view of the combination of Moles, Carroll and Tordera.

Consider **claim 14**, the best prior art found during the examination of the present application, the combination of Moles et al. (Pub # U.S. 2003/0162533 A1) and Carroll (U.S. Patent # 6,487,403 B2) in view of Tordera (U.S. Patent # 6,889,058 B2), fail to specifically show, disclose, or suggest the claimed limitation of verifying provisioning data integrity.

Moles et al. clearly show and disclose a service provisioning system for use in a wireless network comprising a provisioning controller **305** that operates under the control of provisioning server application program **315** to provide provisioning services for wireless network **100**, and creates MS **112** service provisioning file **330**, reading on the claimed "build request," in response to a provisioning request for the mobile station (MS). The service provisioning file comprises provisioning data used to configure the first mobile station to communicate with the wireless network. The service provisioning system further comprises a database capable of storing the service provisioning file, which further comprises a mobile station service provisioning program. The provisioning controller is further capable of retrieving the service provisioning file from the database and transmitting the service provisioning file to the first mobile station. Memory **460**, in the mobile station, also stores downloaded service provisioning (prov.) file **470** and mobile station configuration data file **475**, reading on the claimed "automated method of provisioning radiotelephone handset units, comprising: generating a build request comprising a radiotelephone handset specification and provisioning and instruction data for the specified handset; storing the build request in a memory storage medium in communication with a computerized provisioning system;

retrieving data from the build request; and, automatically transferring the provisioning data to memory storage of the connected handset in accordance with the instruction data," (abstract, figure 3, 4 and 5, paragraphs 19, 20, 57 and 67).

Carroll clearly shows and discloses a system and method that efficiently and securely perform provisioning of cellular telephones and other wireless communication devices. System processing for provisioning a wireless device according to the present invention is carried out by a program executed by the computer **516**, but requires human intervention at some points; the WUPD **306** (Wireless Universal Provisioning Device) prompts a sales agent or operator to enter the type of device being provisioned. The sales agent/operator targets the cellular telephone **308** to be activated. This can be done by aiming the antenna of the transceiver **514** to the cellular telephone, or by using a clip-on antenna to physically connect the WUPD's transceiver antenna to the cellular telephone's antenna, reading on the claimed "connecting the provisioning system to a handset in accordance with the build request specification," (figure 5 and 6, column 3 lines 62-64, column 6 line 53- column 7 line 4). After the WUPD transfers the necessary provisioning information to the target telephone using the telephone's air interface protocol, both the target cellular telephone and the WUPD indicate on their respective displays that the provisioning operation is complete after sending notification signals to each other, reading on the claimed "disconnecting the provisioned handset from the provisioning system," (figure 6, column 7 lines 28-30 and 44-48).

Tordera clearly shows and discloses a system **10**, that includes a communication interface device **12** engageable with a user terminal **14** potentially having access to a

computer program product **15** for establishing wireless communication between the terminal **14** and a base station **16** of a wireless network **18**, reading on the claimed "provisioning radiotelephone handsets," (fig. 5, col. 3 lines 10-15). Interface device can include a first computer communication interface component, such as a PCMCIA card **20**, which defines a first interface format. Also, the device includes a second computer communication interface component such as a universal serial bus (USB) connector **22**, which defines a second interface format, reading on the claimed "computerized system having a universal connector," (fig. 1, col. 3 lines 28-35). The USB "A" plug **24** can be engaged with a USB receptacle of the user terminal to establish wireless communication between the user terminal and the base station using the second interface format, reading on the claimed "connecting the universal connector of the provisioning system to a handset," (col. 4 lines 5-8).

The combination of Moles and Carroll, in view of Tordera, however, lacks the claimed feature of inspecting the memory storage of the handset to verify provisioning data integrity, therefore this limitation, in conjunction with the other limitations recited in claim 14, are novel and unobvious in view of the combination of Moles, Carroll and Tordera.

Consider **claim 16**, the best prior art found during the examination of the present application, the combination of Moles et al. (Pub # U.S. 2003/0162533 A1) and Carroll (U.S. Patent # 6,487,403 B2) in view of Tordera (U.S. Patent # 6,889,058 B2), fail to specifically show, disclose, or suggest the claimed steps of the method of inspection of a plurality of provisioned handsets.

Moles et al. clearly show and disclose a service provisioning system for use in a wireless network comprising a provisioning controller **305** that operates under the control of provisioning server application program **315** to provide provisioning services for wireless network **100**, and creates MS **112** service provisioning file **330**, reading on the claimed "build request," in response to a provisioning request for the mobile station (MS). The service provisioning file comprises provisioning data used to configure the first mobile station to communicate with the wireless network. The service provisioning system further comprises a database capable of storing the service provisioning file, which further comprises a mobile station service provisioning program. The provisioning controller is further capable of retrieving the service provisioning file from the database and transmitting the service provisioning file to the first mobile station. Memory **460**, in the mobile station, also stores downloaded service provisioning (prov.) file **470** and mobile station configuration data file **475**, reading on the claimed "automated method of provisioning radiotelephone handset units, comprising: generating a build request comprising a radiotelephone handset specification and provisioning and instruction data for the specified handset; storing the build request in a memory storage medium in communication with a computerized provisioning system; retrieving data from the build request; and, automatically transferring the provisioning data to memory storage of the connected handset in accordance with the instruction data," (abstract, figure 3, 4 and 5, paragraphs 19, 20, 57 and 67).

Carroll clearly shows and discloses a system and method that efficiently and securely perform provisioning of cellular telephones and other wireless communication

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devices. System processing for provisioning a wireless device according to the present invention is carried out by a program executed by the computer **516**, but requires human intervention at some points; the WUPD **306** (Wireless Universal Provisioning Device) prompts a sales agent or operator to enter the type of device being provisioned. The sales agent/operator targets the cellular telephone **308** to be activated. This can be done by aiming the antenna of the transceiver **514** to the cellular telephone, or by using a clip-on antenna to physically connect the WUPD's transceiver antenna to the cellular telephone's antenna, reading on the claimed "connecting the provisioning system to a handset in accordance with the build request specification," (figure 5 and 6, column 3 lines 62-64, column 6 line 53- column 7 line 4). After the WUPD transfers the necessary provisioning information to the target telephone using the telephone's air interface protocol, both the target cellular telephone and the WUPD indicate on their respective displays that the provisioning operation is complete after sending notification signals to each other, reading on the claimed "disconnecting the provisioned handset from the provisioning system," (figure 6, column 7 lines 28-30 and 44-48).

Tordera clearly shows and discloses a system **10**, that includes a communication interface device **12** engageable with a user terminal **14** potentially having access to a computer program product **15** for establishing wireless communication between the terminal **14** and a base station **16** of a wireless network **18**, reading on the claimed "provisioning radiotelephone handsets," (fig. 5, col. 3 lines 10-15). Interface device can include a first computer communication interface component, such as a PCMCIA card **20**, which defines a first interface format. Also, the device includes a second computer

communication interface component such as a universal serial bus (USB) connector **22**, which defines a second interface format, reading on the claimed "computerized system having a universal connector," (fig. 1, col. 3 lines 28-35). The USB "A" plug **24** can be engaged with a USB receptacle of the user terminal to establish wireless communication between the user terminal and the base station using the second interface format, reading on the claimed "connecting the universal connector of the provisioning system to a handset," (col. 4 lines 5-8).

The combination of Moles and Carroll, in view of Tordera, however, lacks the claimed steps of entering a production build request number; connecting a provisioned handset selected from said plurality of provisioned handsets according to the build request data associated with the production build request number; comparing the provisioning information in the memory storage of the provisioned handset to the provisioning data associated with the production build request number; marking the handset with a passing indicator the provisioning information matches the provisioning data; marking the handset with a failed indicator if the provisioning information differs from the provisioning data; repeating the connection, comparison, and marking on additional handsets for the production build request number; determining whether the production build request passes or fails based on the instruction data associated with the production build request number and returning a pass/fail for the production build request; sending failed handsets from a passing production build request to a repair station; and sending handsets from a failing production build request to an area for segregation, therefore these limitations, in conjunction with the other limitations recited

in claim 16, are novel and unobvious in view of the combination of Moles, Carroll and Tordera.

Consider **claim 18**, the best prior art found during the examination of the present application, the combination of Moles et al. (Pub # U.S. 2003/0162533 A1) and Carroll (U.S. Patent # 6,487,403 B2) in view of Tordera (U.S. Patent # 6,889,058 B2), fail to specifically show, disclose, or suggest all of the claimed steps of the method for provisioning a plurality of radiotelephone handset units.

Moles et al. clearly show and disclose a service provisioning system for use in a wireless network comprising a provisioning controller **305** that operates under the control of provisioning server application program **315** to provide provisioning services for wireless network **100**, and creates MS **112** service provisioning file **330**, reading on the claimed "build request," in response to a provisioning request for the mobile station (MS). The service provisioning file comprises provisioning data used to configure the first mobile station to communicate with the wireless network. The service provisioning system further comprises a database capable of storing the service provisioning file, which further comprises a mobile station service provisioning program. The provisioning controller is further capable of retrieving the service provisioning file from the database and transmitting the service provisioning file to the first mobile station. Memory **460**, in the mobile station, also stores downloaded service provisioning (prov.) file **470** and mobile station configuration data file **475**, reading on the claimed "automated method of provisioning radiotelephone handset units, comprising: generating a build request comprising a radiotelephone handset specification and

provisioning and instruction data for the specified handset; storing the build request in a memory storage medium in communication with a computerized provisioning system; retrieving data from the build request; and, automatically transferring the provisioning data to memory storage of the connected handset in accordance with the instruction data," (abstract, figure 3, 4 and 5, paragraphs 19, 20, 57 and 67).

Carroll clearly shows and discloses a system and method that efficiently and securely perform provisioning of cellular telephones and other wireless communication devices. System processing for provisioning a wireless device according to the present invention is carried out by a program executed by the computer **516**, but requires human intervention at some points; the WUPD **306** (Wireless Universal Provisioning Device) prompts a sales agent or operator to enter the type of device being provisioned. The sales agent/operator targets the cellular telephone **308** to be activated. This can be done by aiming the antenna of the transceiver **514** to the cellular telephone, or by using a clip-on antenna to physically connect the WUPD's transceiver antenna to the cellular telephone's antenna, reading on the claimed "connecting the provisioning system to a handset in accordance with the build request specification," (figure 5 and 6, column 3 lines 62-64, column 6 line 53- column 7 line 4). After the WUPD transfers the necessary provisioning information to the target telephone using the telephone's air interface protocol, both the target cellular telephone and the WUPD indicate on their respective displays that the provisioning operation is complete after sending notification signals to each other, reading on the claimed "disconnecting the provisioned handset from the provisioning system," (figure 6, column 7 lines 28-30 and 44-48).

Tordera clearly shows and discloses a system **10**, that includes a communication interface device **12** engageable with a user terminal **14** potentially having access to a computer program product **15** for establishing wireless communication between the terminal **14** and a base station **16** of a wireless network **18**, reading on the claimed "provisioning radiotelephone handsets," (fig. 5, col. 3 lines 10-15). Interface device can include a first computer communication interface component, such as a PCMCIA card **20**, which defines a first interface format. Also, the device includes a second computer communication interface component such as a universal serial bus (USB) connector **22**, which defines a second interface format, reading on the claimed "computerized system having a universal connector," (fig. 1, col. 3 lines 28-35). The USB "A" plug **24** can be engaged with a USB receptacle of the user terminal to establish wireless communication between the user terminal and the base station using the second interface format, reading on the claimed "connecting the universal connector of the provisioning system to a handset," (col. 4 lines 5-8).

The combination of Moles and Carroll, in view of Tordera, however, lacks the claimed steps of selecting an available one of the build requests from the storage medium; displaying handset specification data from the selected build request; and querying the connected handset via the provisioning system to compare connected handset specification data with the build request specification data, therefore these limitations, in conjunction with the other limitations recited in claim 18, are novel and unobvious in view of the combination of Moles, Carroll and Tordera.

Consider **claim 29**, the best prior art found during the examination of the present application, the combination of Moles et al. (Pub # U.S. 2003/0162533 A1) and Tordera (U.S. Patent # 6,889,058 B2), in view of Lipsit (U.S. Patent # 5,974,311), fail to specifically show, disclose, or suggest the claimed step of querying a connected handset and comparing its specification data with the build request specification data.

Moles et al. clearly show and disclose a service provisioning system for use in a wireless network comprising a provisioning controller that operates under the control of provisioning server application program to provide provisioning services for wireless network. The service provisioning system further comprises a database capable of storing the service provisioning file, which further comprises a mobile station service provisioning program. The provisioning controller is further capable of retrieving the service provisioning file from the database and transmitting the service provisioning file to the first mobile station. Memory, in the mobile station, also stores downloaded service provisioning (prov.) file and mobile station configuration data file, reading on the claimed "method for provisioning radiotelephone handset units, comprising: computer in communication with a memory storage medium containing provisioning and instruction data for the radiotelephone handset; and automatically transferring provisioning data to handset memory storage in accordance with the instruction data," (abstract, figure 3, 4 and 5, paragraphs 19, 20, 57 and 67). Moles et al. further disclose that the service provisioning system creates MS service provisioning file, reading on the claimed "build request," in response to a provisioning request for the mobile station (MS). The service provisioning file comprises provisioning data used to configure the first mobile station to

communicate with the wireless network, reading on the claimed "generating a plurality of build requests comprising radiotelephone handset specification data and provisioning and instruction data for each specified handset," (paragraphs 19, 20 and 57). Moles et al. further disclose that the service provisioning system further comprises a database capable of storing the service provisioning file, which further comprises a mobile station service provisioning program, reading on the claimed "storing the build requests in the memory storage medium," (paragraph 19). Moles et al. further disclose that the provisioning controller is further capable of retrieving the service provisioning file from the database and transmitting the service provisioning file to the first mobile station, reading on the claimed "selecting an available build request from the memory storage medium," (paragraph 19).

Tordera clearly shows and discloses a system, that includes a communication interface device engageable with a user terminal potentially having access to a computer program product for establishing wireless communication between the terminal and a base station of a wireless network, reading on the claimed "provisioning radiotelephone handset units," (fig. 5, col. 3 lines 10-15). Interface device can include a first computer communication interface component, such as a PCMCIA card, which defines a first interface format. Also, the device includes a second computer communication interface component such as a universal serial bus (USB) connector, which defines a second interface format (fig. 1, col. 3 lines 28-35). The USB "A" plug can be engaged with a USB receptacle of the user terminal to establish wireless communication between the user terminal and the base station using the second

interface format. The user terminal can determine whether the interface device is engaged with the terminal. If it is determined that the PCMCIA card has been engaged with the terminal, a PCMCIA software driver module is invoked. On the other hand, if it is determined that the device is engaged with the terminal via another connection (e.g., USB), then the appropriate software driver module is invoked, reading on the claimed "method for provisioning radiotelephone handset units of varying model, manufacturer, and platform, comprising: connecting a radiotelephone handset to a universal connector interface having at least one universal connector adapted for connection to radiotelephone handsets having different specifications; operably connecting the universal connector interface to a computer; and executing software for verifying connection of the connected radiotelephone handset," (col. 4 lines 5-8, lines 50-57).

Lipsit clearly shows and discloses a method and apparatus for programming a cellular telephone with activation parameters, reading on the claimed "build request," in which the cellular telephone to be programmed is connected to a computer via a communications interface. The computer determines the activation parameters based on the inputted programming information, and transmits the activation parameters to the telephone for storage in the cellular telephone memory. The user enters a cellular telephone type in the area **404** of the user interface **400**. A picture of the telephone selected by the user is displayed in area **408** of the user interface. When the user selects a telephone type the appropriate graphics file is accessed, reading on the claimed "comprising displaying handset specification data from the selected build request," (abstract, figures 3A and 4, column 2 lines 56-60 and column 5 lines 40-65).

The combination of Moles and Tordera, in view of Lipsit, however, lacks the claimed step of querying the connected handset via the universal provisioning interface and comparing the connected handset specification data with the build request specification data, therefore these limitations, in conjunction with the other limitations recited in claim 29, are novel and unobvious in view of the combination of Moles, Tordera and Lipsit.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

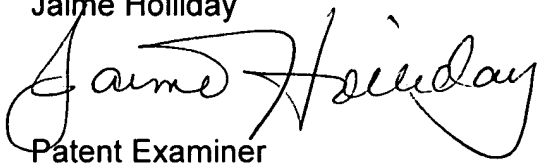
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaime M. Holliday whose telephone number is (571) 272-8618. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jaime Holliday



Patent Examiner



NICK CORSARO
PRIMARY EXAMINER